

**MINUTES  
LAKE COUNTY ZONING BOARD  
OCTOBER 4, 2006**

The Lake County Zoning Board met on Wednesday, October 4, 2006 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, Conditional Use Permits, and Mining Site Plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, October 24, 2006 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

**Members Present:**

Scott Blankenship	District 2
James Gardner, Secretary	District 3
Robert H. Herndon	District 4
Paul Bryan, Chairman	District 5
Larry Metz	School Board Representative

**Members Not Present:**

Timothy Morris, Vice Chairman	District 1
Donald Miller	At-Large Representative

**Staff Present:**

R. Wayne Bennett, AICP, Planning Director, Planning and Development Services Division  
Brian Sheahan, Chief Planner, Planning and Development Services Division  
Rick Hartenstein, Senior Planner, Planning and Development Services Division  
Stacy Allen, Senior Planner, Planning and Development Services Division  
Denna Levan, Associate Planner, Planning and Development Services Division  
Mary Harris, Public Hearing Coordinator, Planning and Development Services Division  
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division  
Fred Schneider, Engineering Director, Engineering Division  
Ross Pluta, Engineer III, Engineering Division  
John Maruniak, Jr., Transportation Planner/Engineer II, Engineering Division  
Lisa Grider, Code Enforcement Officer, Code Enforcement Division  
Sanford A. Minkoff, County Attorney  
Melanie Marsh, Deputy County Attorney

Chairman Bryan called the meeting to order at 9:08 a.m. He led in the Pledge of Allegiance and gave the invocation. He noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor and that this meeting had been noticed pursuant to the Sunshine Statute.

Chairman Bryan stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case. He explained that this Board is a recommending board only, and the Board of County Commissioners (BCC) will be hearing these cases on October 24, 2006 when a final determination will be made. He added that anyone wishing to speak should complete a speaker card that can be found on the table at the rear of this room.

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**Minutes**

**MOTION by Robert Herndon, SECONDED by Scott Blankenship to approve the September 6, 2006 Lake County Zoning Board public hearing minutes, as submitted.**

**FOR: Blankenship, Gardner, Herndon, Bryan, Metz**

**AGAINST: None**

**NOT PRESENT: Morris, Miller**

**MOTION CARRIED: 5-0**

**Discussion of Consent Agenda**

Rick Hartenstein, Senior Planner, asked that Agenda No. 6, PH#50-06-2, be removed from the consent agenda and placed first on the regular agenda.

There was no one on the Board who had a problem with the following cases remaining on the consent agenda: PH#89-06-5, PH#88-06-3, PH#26-06-5, PH#84-06-3, PH#87-06-4, and PH#53-06-5.

Chairman Bryan announced that no speaker cards had been submitted for any of the cases on the consent agenda.

**CASE NO.:** PH#89-06-5 **AGENDA NO.:** 1  
**OWNERS:** Louis Meucci, Trustee, Mark D. and Susan M. Daigneau, Levon and Sarah Mears, A. Pilcher Burdorf, and Arleen P. Volat  
**APPLICANT:** Greg A. Beliveau, AICP, LPG Urban and Regional Planners, Inc.

**CASE NO.:** PH#88-06-3 **AGENDA NO.:** 2  
**OWNERS:** Brockie Holdings, LLC and V-Bro Development, LLC  
**APPLICANT:** Leslie Campione, P.A.

**CASE NO.:** PH#26-06-5 **AGENDA NO.:** 3  
**OWNERS:** James W. Sims, Jr. and Louise F. Sims, Trustees  
**APPLICANT:** Mark A. Maciel

**CASE NO.:** PH#84-06-3 **AGENDA NO.:** 4  
**OWNER:** Bill Baker/Baker Groves  
**APPLICANTS:** Miller Legg/Todd Perez

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**OWNER:** YellowFin Properties, LLC  
**APPLICANT:** Guy or Catherine Bartels

**CASE NO.:** PH#53-06-5 **AGENDA NO.:** 9  
**OWNERS:** Linda Austin and Gerald Braley  
**APPLICANT:** Hugh Harling, Jr. P.E.

**MOTION** by Scott Blankenship, **SECONDED** by Robert Herndon to approve the above consent agenda, as presented.

**FOR:** Blankenship, Gardner, Herndon, Bryan, Metz

**AGAINST:** None

**NOT PRESENT:** Morris, Miller

**MOTION CARRIED:** 5-0

CASE NO.: PH#50-06-2

AGENDA NO.: 6

**OWNER:** Clonts Groves, Inc.  
**APPLICANT:** Cecelia Bonifay, Esq., Akerman Senterfitt

Rick Hartenstein, Senior Planner, read the "Summary of Staff Determination" from the staff report into the record.

Chairman Bryan asked if the Land Development Regulations (LDRs) contain any date by which this information must be submitted prior to the public hearing date. As it stands, Mr. Hartenstein said this application was determined to be insufficient. Until staff receives the required data in order to do an analysis and provide a sufficiency letter, the application remains insufficient. The time required for review would be in correlation with the type of project involved. This is an intense project so there is considerable data to be analyzed. Receiving the information one day before the staff reports are to be distributed to the Zoning Board members is not sufficient time for staff to be able to review and give an analysis on the updated information. In response to Chairman Bryan's question regarding the timeframe, Brian Sheahan, Chief Planner, read a portion of Chapter 14.00.04.B into the record. Because the application has been determined to be insufficient at this time, a sufficiency letter has not been generated.

Chairman Bryan stated that this Board has the prerogative to hear this case if it so voted to do that. However, they have no information in their book so it would be difficult to do that. Mr. Sheahan acknowledged that there is no ordinance prepared for the Board's consideration.

Cecelia Bonifay, applicant, distributed a chronology and other related information to the Board members and submitted a copy as Applicant Exhibit A. She said she took great exception to Mr. Hartenstein's representation of this case. The idea that they only submitted information to the staff two or three days before the end of September is totally inaccurate. That implies that this is the first time that information had been submitted to staff and the first time staff had seen it. She did not feel her client should be a victim of the turnover in Lake County staff, and there has been no continuation of files. She discussed the chronology submitted as Applicant Exhibit A. She spoke of the conversations with John Kruse throughout March of 2006 and that the application was deemed to be sufficient by Mr. Kruse. She questioned the lack of information in the file referencing the original application, discussions with John Kruse, site plans submitted, and the draft PUD ordinance. Mr. Clonts has been told that his property will not be vested unless he seeks a rezoning, but it appeared to her that everything possible is being done to prohibit him from seeking a rezoning on this property. When she discovered the incorrect legal advertisement for 550 acres, she asked Tim Green if he would redo a site plan for 550 acres, thereby reducing the density even further. Within 24 to 48 hours, Mr. Green submitted a new site plan to staff. She asked to go forward with the hearing of this case even if staff must recommend denial, pending the applicant continuing to work with staff on these issues. Ms. Bonifay said she is prepared to present a full case with staff commenting at any point they wish; therefore, she asked the Board to move this case forward to the Board of County Commissioners (BCC).

Darren Gray, Assistant City Manager for the City of Clermont, said the City is in support of a 30-day continuance of this case. He said Ms. Bonifay is correct that he did submit this to the Clermont City Council about six weeks ago for Joint Planning Area (JPA) review. They did not have much backup for this project so the only information that the City Council had was the application and site plan. Ms. Bonifay made a presentation to the City Council. At that time, the City Council asked for additional information. Last week the Lake County staff had contacted him to let him know that they had received more information on this project but did not have time to review it so they were going to be asking for a 30-day continuance. He then asked for a 30-day continuance also so he could receive a copy of that information to be put on the City Council agenda for review. That would then allow him to be able to bring back a recommendation from the City Council to the County.

Regarding the legal description and legal advertisement issue, Mr. Hartenstein displayed the application submitted on March 1, 2006 (County Exhibit A) on the monitor. He noted the acres, 550, as shown on the application. He pointed out the note on the bottom of the application, "3/01/06 – Informed Kathy of traffic

**CASE NO.:** PH#50-06-2**AGENDA NO.:** 6**OWNER:** Clonts Groves, Inc.**PAGE NO.:** 2**APPLICANT:** Cecelia Bonifay, Esq., Akerman Senterfitt

study required.” He acknowledged that the deed’s legal description (County Exhibit B) does describe a total of 700 +/- acres, but it is two separate, distinct parcels. He added that the submitted property record card (County Exhibit C) was for the bottom parcel, 550 +/- acres. The County advertised what the application said it was.

Regarding the plans, Mr. Hartenstein said staff contacted Chris Roper, an attorney associated with Ms. Bonifay, and informed him of the problems; that is when staff got the revised master conceptual plan for the 550 acres versus the 700 acres. The latest revised traffic study was submitted on September 26. In response to James Gardner, Mr. Hartenstein said he sent an insufficiency letter addressing these issues on August 25, 2006. At that time, a revised preliminary traffic analysis addressing the deficiencies that were noted with an attached memo was requested. They had previously submitted a traffic analysis with 2004 data that was out of date. With this insufficient data, staff was unable to analyze and come forward with a staff report. Even with this latest traffic analysis, Public Works’ comments show they still have issues.

When Chairman Bryan asked about the meeting between Ms. Allison and Ms. DuBois where the acreage was discussed, Mr. Hartenstein said he has no correspondence in the file pertaining to that meeting. There are also no e-mails in the file referencing that meeting. There is nothing in the file showing a sufficiency or insufficiency letter had ever been written. Chairman Bryan confirmed with Mr. Hartenstein that there is nothing in the file correcting the legal description.

Regarding the City of Clermont, Ms. Bonifay said they were given a full presentation on August 22, 2006. She has requested repeatedly to go back before the City Council. She has minutes of the meeting wherein she offered to work with staff to modify the site plan if they had issues with it. She has never been asked to come back to the City of Clermont to do anything. However, she was informed by Lake County staff that the City of Clermont held a workshop on this piece of property along with others, and the City did not ask the owner of this property or the owner’s attorney to be present. At that time, she said they apparently discussed “by trying to stop the applicant to even recommend lower land use on this project than what they had originally said as a way to only make them come to Clermont to have to get any entitlements whatsoever.” Therefore, she found the City’s position more than disingenuous at this time. She did not see the harm in hearing this case as she felt the injustice would be to the applicant and the due process. She is prepared to make a full presentation, and this Board can make what determinations it wishes. She added that property record cards are not accurate. When a deed is provided, that is the legal description that should be used. There is no error if more acreage is run. The error and harm comes when less acreage is run. That is what happened in this case and required them to resubmit a third plan at the eleventh hour in order to conform to the incorrect acreage.

R. Wayne Bennett, Planning Director, said he wanted the Board to know that the picture the applicant is painting for them concerning the staff is not a true picture. Staff has nothing in terms of an agenda with regard to this project. Regarding the Development of Regional Impact (DRI) question, this project is just below the threshold for a mixed-use DRI so he had suggested calling Department of Community Affairs (DCA) to ensure staff followed all the correct procedures during this process. He pointed out that Ms. Bonifay made all the continuance requests with the exception of the continuance being requested by staff at this public hearing. This project has changed several times over the course of the review since March. It is his understanding that the traffic study received last month relies upon 40 percent distribution of traffic from this project being assigned to a road that does not exist in any five-year capital improvement plan that he is aware of. Therefore, staff cannot review a study if it is not based upon correct assumption. The most recent traffic study still has some elements that need to be updated and revised so staff does not have a traffic study upon which to base a recommendation to this Board concerning the impacts of this project. That has been a continuing source of difficulty with this applicant.

**CASE NO.: PH#50-06-2****AGENDA NO.: 6****OWNER: Clonts Groves, Inc.****PAGE NO.: 3****APPLICANT: Cecelia Bonifay, Esq., Akerman Senterfitt**

Mr. Gardner said he had a concern about Ms. Bonifay's allegation that she submitted documents that staff is not able to find. Staff has issued no rebuttal to that statement.

Chairman Bryan stated that two different viewpoints have been presented. He was uncomfortable moving forward with the case with no staff report or ordinance. It is unfortunate what has happened, and it appears that both parties have been at fault. However, he would support the staff's request for a 30-day continuance. Scott Blankenship said he would also support that.

**MOTION by Scott Blankenship, SECONDED by Larry Metz to continue PH#50-06-2 until the November 1, 2006 Lake County Zoning Board public hearing.**

**FOR: Blankenship, Bryan, Metz****AGAINST: Gardner, Herndon****NOT PRESENT: Morris, Miller****MOTION CARRIED: 3-2**



CASE NO.:

CUP#06/10/1-3

AGENDA NO.: 5

OWNER/APPLICANT:

James L. and Toni M. Richardson

Denna Levan, Associate Planner, presented the case and staff recommendation of denial. She noted that this property is located in the Green Swamp Area of Critical State Concern. She showed the aerial from the staff report on the monitor.

Chairman Bryan noted that no speaker cards had been received for this case nor was there anyone in the audience who wished to speak.

James Richardson was present to represent the case. He said this is a licensed tree farm. He has 850 maple trees in a shade house and about 20 or 25 pine trees that survived. He has one acre set up with an irrigation system. He had the property surveyed to show that it is above the water line. He received a letter from the City of Mascotte wanting to annex his property into the City. He has hauled 9,000 tons of lime rock to build Bonnet Slew and Lazy Acre Roads. There were no roads there when he bought the property. He said he just purchased a new John Deere tractor with a front-end loader, which will handle the small trees. He also has an antique tow truck with an extension boom, which picks up 6,000 pounds. That would be used for larger trees. He wants to be able to transport his own trees. In response to Chairman Bryan, Mr. Richardson said all road vehicles have tags and insurance. He went to the County before he purchased this property to ensure he had everything he needed to purchase this property.

In response to Larry Metz, Mr. Richardson said his tree farm is called Lazy Acre Tree Farm by James Richardson. He reiterated that he has 850 potted maple trees. In the ground there are twelve more. He also has 35 oak trees. When Mr. Metz asked about the sale of trees, Mr. Richardson replied that according to the license, he is allowed two fulltime employees, one part time employee and no sales to the public. He can sell to wholesale customers. When Mr. Metz asked if he has any wholesale customers, Mr. Richardson said he buys from and sells to Earl Greiner. Mr. Metz said it sounds like Mr. Richardson has a few mature trees growing on the property and many immature trees so he questioned why Mr. Richardson needs a truck yard in conjunction with this tree farm. Mr. Richardson said he needs a truck yard because the County said he needed the truck yard to keep the equipment for growing these trees.

Melanie Marsh, Deputy County Attorney, came in to sit as counsel, and Mr. Minkoff sat in the audience.

Chairman Bryan questioned why all this large equipment is needed for very small trees. Mr. Richardson asked if he was to wait for the trees to be 15 feet in height before purchasing the equipment to move them. He said he has delivered potting soil for Mr. Greiner.

Robert Herndon asked if all the vehicles on this property are operational and used in his tree business. Mr. Richardson said all the vehicles are operational except the boom truck, which was struck by lightning. Mr. Richardson said he is just trying to comply with the laws of the County.

Ms. Levan reiterated that a truck yard for a tree farm is not permitted by the Land Development Regulations (LDRs). No evidence has been provided demonstrating a licensed tree farm. She said she has photographs of the existing conditions if the Board would like to see them. She introduced Lisa Grider from the Code Enforcement Division, who took the photographs.

If the use Mr. Richardson is requesting is not permitted under the LDRs, Chairman Bryan asked why he was encouraged to come forward with this. Brian Sheahan, Chief Planner, said he was not aware of any staff in the Planning and Development Services Division that would have advised Mr. Richardson to do that considering this is not a permitted use in the LDRs. However, it may have come up in discussion with another department. He did not know why Mr. Richardson had that understanding.

**CASE NO.: CUP#06/10/1-3**

**AGENDA NO.: 5**

**OWNER/APPLICANT: James L. and Toni M. Richardson**

**PAGE NO.: 2**

Scott Blankenship said he was sorry that Mr. Richardson had spent the money to request this conditional use permit. He felt Mr. Richardson should have waited until the tree farm was more functional.

**MOTION by Scott Blankenship, SECONDED by Robert Herndon to recommend denial of CUP#06/10/1-3 for a truck yard in association with a tree farm based on the testimony presented.**

**FOR: Blankenship, Gardner, Herndon, Bryan, Metz**

**AGAINST: None**

**NOT PRESENT: Morris, Miller**

**MOTION CARRIED: 5-0**

CASE NO.: PH#85-06-4

AGENDA NO.: 7

OWNERS: TBM Premium Finance, Inc. and Tucker  
Nursery

APPLICANT: Lake County Board of County Commissioners

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval with conditions. He showed the aerial and conceptual plan from the staff report on the monitor. He noted the uses shown on the conceptual plan.

Sanford A. Minkoff, County Attorney, stated that he would be representing the applicant as Roberto Bonilla, Park and Trails Director, who was to represent the applicant, had a family emergency. He said there is one change that the Board of County Commissioners (BCC) would like to make to the ordinance. They would like to include the use of a caretaker's residence on the park site. The intent of the park is to be able to have a deputy or park ranger in order to have 24-hour protection for the facility. A meeting was held in the community about two or three weeks ago to hear comments from residents in the area and accommodate their concerns. In response to Scott Blankenship, Mr. Minkoff said he thought the conceptual plan had been presented at that meeting. Mr. Blankenship commented that this request appears to be very intense. Regarding the parking for all these activities, he asked if the conceptual plan was to scale. Mr. Minkoff said this plan was designed to show the types of uses and the locations where they could be placed on the site, understanding that when this went through the site plan review, the County would be required to provide adequate parking. There will be restroom facilities. He added that this property is about half the size of the property being developed in Umatilla so it will be a slightly smaller scale facility than the park in Umatilla. Chairman Bryan pointed out that there is more residential in the Umatilla area than there is in this area. This subject property has some commercial in the area. Mr. Minkoff agreed that along the entire east side of the property in Umatilla, there is a residential neighborhood that borders the park.

Brian Ostroski and Deborah Vickery were present to speak in opposition to this case. Mr. Ostroski said his property abuts the orange grove. They never received any notice of a community meeting several weeks ago. Ms. Vickery has lived in the area for 18 years and he has lived in the area for 11 years. They moved to this area to have privacy. There are three people whose property abuts the orange grove. He was concerned about the additional traffic, noise, and lights from the baseball fields as a result of a park being placed on this property. Ms. Vickery said the location of the baseball fields would be by their backyard. There are horses in the area. If this request is approved, Mr. Ostroski asked that a wall or some type of barrier be constructed. At the request of Chairman Bryan, Mr. Ostroski pointed out where they live. Ms. Vickery felt that living next to the park would ruin her life as well as lower her property's value. She bought this property because it was zoned Agriculture. If this request is approved, she asked that some type of buffer be added. She had never seen the conceptual site plan until this public hearing. The baseball fields will be located several feet from her home. She bought her property for peace and serenity. She lives on a dirt dead-end road, which they maintain themselves. Because her neighbors have put up a gate across Olmac Road just past her property, people turn around in her driveway and destroy it. Therefore, she is concerned about the traffic from the proposed park turning around in her driveway. She was also concerned about the other issues that Mr. Ostroski had spoken of. She questioned whether a continuance would be possible so she could have her other neighbors present to state their opinions as well as talk to the County about doing some type of barrier to protect the neighbors. Chairman Bryan pointed out that this case must go before the BCC for a final decision. In addition, this site plan has a lot of "tweaking" to go through so there will be opportunities for additional input. Ms. Vickery said she would like to be informed about additional meetings.

Mary Thomas, who did not complete a speaker card, asked to speak. She said they own 40 acres, half of which abuts the subject property. When she asked about the hexagonal area on the conceptual plan, Mr. Hartenstein said that area would contain softball and baseball fields. She questioned how that would affect her property. She agreed with Ms. Vickery as far as the need for a buffer if this is approved as this park will impact the value of her property.

<b>CASE NO.:</b>	<b>PH#85-06-4</b>	<b>AGENDA NO.:</b>	<b>7</b>
<b>OWNERS:</b>	<b>TBM Premium Finance, Inc. and Tucker Nursery</b>	<b>PAGE NO.:</b>	<b>2</b>
<b>APPLICANT:</b>	<b>Lake County Board of County Commissioners</b>		

Mr. Minkoff stated that the property is located at the intersection of CR 437 and Wolf Branch Road. The main access to the property will be off CR437. There will be no access to the north. The applicant would have no problem with that being included in the ordinance. There is a county road to the south that connects with SR 46. There may be some required improvements made to that road to provide secondary access to the property. The current ordinance provides for a Type B buffer. Regarding the community meeting, notices were not sent out. The property was posted with a sign and community flyers were posted throughout the area. He thought there were about 30 or 40 people who attended. There are very few residences around the property. On the north side, it is mostly bordered by commercial nursery uses.

In response to Chairman Bryan, Mr. Minkoff said the conceptual plan was prepared by County staff to show this Board and the BCC one possibility that could occur on the site. Chairman Bryan confirmed that the conceptual plan is not set in stone; it is a general idea of what could occur there. He asked if those with concerns would have an opportunity for input on the proposal. Mr. Minkoff said he would get their names, addresses, and phone numbers so they can be contacted prior to the BCC meeting. Chairman Bryan felt that would be beneficial.

Robert Herndon asked what type of analysis the County would go through to determine the successful usage of this park. Mr. Minkoff replied that the County had a countywide master plan and study done in connection with the Comprehensive Plan. One of the things that the study and the current Comprehensive Plan element called for was a facility such as this in this area. He spoke of a newspaper article this week pointing out the tremendous need and lack of facilities in the Central Florida area, particularly for soccer and baseball fields. He felt both this facility and the park in Umatilla would be heavily used.

When Chairman Bryan asked about the impact on property values, Mr. Minkoff said that although it may exist, he has not seen any information showing any impact on property values, one way or the other.

Mr. Hartenstein stated that in the proposed ordinance, it references the master conceptual plan as Exhibit 1. If that plan is a generality subject to change, it should not be referenced as Exhibit 1 in the ordinance. Chairman Bryan felt that outlining the general uses within the ordinance is adequate. He did not want the conceptual plan to be attached because it could be changed somewhat. When a motion is made, Mr. Hartenstein asked that the plan be removed as Exhibit 1 in the ordinance.

At the request of Larry Metz, Mr. Hartenstein explained the requirements of a Type B buffer. Mr. Metz asked if there were any other alternatives for the area around the ball fields since the lights are so high and cast a lot of light in the outlying areas. Regarding lighting, Mr. Hartenstein said the Land Development Regulations (LDRs) require that the lighting be so shaded as to be kept on site. The applicant will be required to submit a lighting plan for site plan review showing how that would be accomplished. Chairman Bryan commented that a Type B buffer might not be adequate in certain areas. He would like to see staff consider some additional buffering in the more intense areas of this site that could impact the residential areas. Unless that suggestion is made part of the ordinance, Mr. Hartenstein said staff must follow the LDRs regarding landscape requirements unless the County chooses to exceed those requirements. Chairman Bryan said it was just a suggestion.

Ms. Vickery said there are other people who have not been informed. She did not think the applicant will be able to do a buffer nor did she feel the park is going to get the usage that is expected. There is plenty of other acreage like this that could be used and does not have long-standing residential homes nearby. She asked the Board for any help it could give her. Chairman Bryan advised Ms. Vickery to tell her neighbors that there will be another public hearing on this case on October 24.

Mr. Blankenship felt additional discussion is needed regarding increasing the buffer. He was in favor of

**CASE NO.:** PH#85-06-4 **AGENDA NO.:** 7  
**OWNERS:** TBM Premium Finance, Inc. and Tucker **PAGE NO.:** 3  
**APPLICANT:** Nursery  
Lake County Board of County Commissioners

allowing this case to go forward with an approval, but he was not sure how to do that without adding some language regarding staff's consideration for buffering over and above the requirements. Mr. Hartenstein said the additional language could be part of the motion. Mr. Blankenship agreed with Chairman Bryan that the most intense areas would be around the ball fields. At the request of Chairman Bryan, Mr. Hartenstein explained the requirements of the Types C and D buffering. Chairman Bryan suggested a Type C buffer around the ball field areas.

Mr. Minkoff said he did not have an objection to the Type C buffering near residential homes, but the ball fields may be on the other side of the property, which would not provide any relief to the residents. He suggested increasing the buffering on the northeast corner where it adjoins the property owner with the 40-acre parcel. If the Board wants additional buffering, he felt it would better to have the buffering for the adjacent residential homes rather than the ball fields. When Mr. Blankenship asked about buffering to the north, Mr. Minkoff said this property is adjacent to the commercial nurseries to the north where there would probably not be a need. He did not have a problem with putting up a wall along the property boundary for the property owners who have a concern with the park. Mr. Metz suggested characterizing the motion to say that the increased buffering would be determined during the site plan review process, but it would be this Board's recommendation that it be adjacent to existing residential properties.

**MOTION by Larry Metz, SECONDED by Robert Herndon to recommend approval of PH#85-06-4 with the understanding that this Board also recommends that during the site plan review process, an increased buffer of Type C or D shall be considered in those areas adjacent to existing residential properties.**

When Mr. Blankenship commented that the applicant had agreed to a wall, Chairman Bryan said a wall could be added to any level of buffering.

**Mr. Metz clarified his motion to read that it would be a Type C buffer or greater, to be determined, in those areas immediately adjacent to the existing occupied residential properties. Mr. Herndon accepted that clarification.**

**Mr. Metz also clarified that his motion does not include Exhibit 1 as referenced in the ordinance but does include the uses shown on that exhibit. Mr. Herndon agreed.**

When Mr. Hartenstein asked if the motion includes the caretaker's residence, Mr. Metz said his motion intended to include that use. Mr. Herndon also agreed to that use.

**FOR:** Blankenship, Gardner, Herndon, Bryan, Metz

**AGAINST:** None

**NOT PRESENT:** Morris, Miller

**MOTION CARRIED, 5-0  
AS CLARIFIED:**

**Discussion**

R. Wayne Bennett, Planning Director, stated that Planning and Development Services is about to embark upon some updating of the development review process. He would like to meet with this Board in a workshop atmosphere to discuss the past year's activities and some of the possible changes. One of those changes is to take the zoning cases through the Development Review Staff (DRS) process as a way to get all the department's comments on the record prior to preparing the staff reports for this Board and the Board of County Commissioners (BCC). After discussion, it was decided to hold the workshop after the Zoning Board public hearing on November 1, 2006.

**Adjournment**

There being no further business, the meeting was adjourned at 10:50 a.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Paul Bryan  
Chairman